

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No.6150 OF 2007

Between:

J.Narasimha Reddy

....Petitioner

and

1. The Regional Manager, A.P.S.R.T.C., Mahaboobnagar,
Mahaboobnagar District.
2. The Depot Manager, APSRTC, Achampet, Mahboobnagar
District.

.....Respondents.

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.6150 OF 2007

ORDER:

This writ petition is filed by the petitioner-Conductor assailing the action of the second respondent/Depot Manager, APSRTC, Mahaboobnagar, Mahaboobnagar District, in issuing proceedings No.02/104(153)/80-ACPT, dated 03.06.1981, by which the petitioner was imposed major punishment of deferment of annual increment for a period of two years with cumulative effect, without issuing show cause notice and without asking for comments from the petitioner on enquiry report.

The relevant portion of the impugned order, dated 03.06.1981 of the respondent reads thus:

"I therefore hereby order that your next annual increment when falls due be withheld for a period of two years with the effect of postponing your future increments".

The brief facts leading to the filing of the writ petition are as follows:

The petitioner is working as Conductor at respondent-Depot. Disciplinary proceedings were initiated against him, alleging certain irregularities, in the matter of issuing tickets. On the basis of the report submitted by the Enquiry Officer, without issuing a show cause notice and without asking comments on enquiry report, the proceedings dated 03.06.1981 were issued straight away imposing the punishment of stoppage of annual increment for a period of two years, with cumulative effect, and explanation was also sought from the petitioner, as to why the period of suspension shall not be treated as not on duty. Aggrieved by the said order, dated 03.06.1981, the petitioner filed an appeal before the Divisional Manager and the same was rejected. Against which, a review petition is preferred to the first respondent-Regional Manager, but in vain.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

Admittedly, the second respondent followed a peculiar procedure of initiating the disciplinary proceedings. An enquiry was conducted and on the basis of the enquiry report submitted by the Enquiry Officer, the impugned order was passed straightaway without issuing show cause notice. This peculiar practice of inflicting the punishment on the basis of enquiry report without issuing show cause notice was deprecated by this Court in W.P.No.18299 of 2005, dated 05.09.2005 and the learned counsel for the petitioner and the learned standing

counsel for the respondents agreed for disposal of the writ petition in terms of the said judgment.

"Strictly speaking, the impugned order deserves to be set aside, and the matter needs to be remanded. However, having regard to the fact that nearly six years have elapsed, this Court does not find it proper, to subject the petitioner to another set of proceedings. Taking the totality of the circumstances into account, the punishment of stoppage of increment shall be treated, as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, upto the date of this order, on account of the modification of the punishment".

In the above view of the matter, this writ petition can also be disposed of in terms of the judgment of this Court in W.P.No.23114 of 2005 directing the respondents as is being done hereunder:

The respondents are directed to treat the punishment of stoppage of increment as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, upto the date of this order, on account of the modification of the punishment.

The writ petition is accordingly disposed of. No costs.

N.V.RAMANA J.,

Dt.29.03.2007
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